

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

IVORY DEVEREAUX,

No. C 09-02141 WHA

Plaintiff,

v.

**ORDER DISMISSING CASE
FOR FAILURE TO PROSECUTE**

MICHAEL ASTRUE, COMMISSIONER
OF SOCIAL SECURITY

Defendant.


On May 15, 2009, *pro se* plaintiff Ivory Devereaux filed a complaint for judicial review of a final decision of the Commissioner of Social Security under the Administrative Procedure Act. A summons was issued and served on defendant on May 26, 2009, and defendant filed an answer on September 2, 2009.

Pursuant to Civil Local Rule 16-5, plaintiff should have filed a motion for summary judgment within 30 days of receipt of defendant's answer. The Court, appreciating the fact that plaintiff is *pro se*, provided nearly three weeks of *additional* time for plaintiff to comply. On October 20, 2009, the Court issued an order to show cause why plaintiff's claims should not be dismissed for failure to prosecute pursuant to FRCP 41(b). Plaintiff was warned that failure to file a written response to the order by November 6, 2009, would result in dismissal. The Court has patiently waited two weeks past that deadline.

1 Because plaintiff has repeatedly failed to respond to deadlines governing this action in any
2 fashion, the case is **DISMISSED** for failure to prosecute under FRCP 41(b). Plaintiff has until
3 December 11, 2009 to seek reconsideration of the dismissal.

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5 **IT IS SO ORDERED.**

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7 Dated: November 20, 2009.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE